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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------|
| 10/802,408 | 03/17/2004 | Jeffrey D. Carnevali | NPI-023 | 3835 |
| 7590 | 03/01/2006 | | | |
| Charles J. Rupnick PO Box 46752 Seattle, WA 98146 | | | EXAMINER MARSH, STEVEN M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3632 | |

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/802,408 | Applicant(s) CARNEVALI, JEFFREY D. | |
| | Examiner Steven M. Marsh | Art Unit 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-25 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the second office action for U.S. Application 10/802,408 for a Configurable Mounting Bracket filed by Jeffrey Carnevali on March 17, 2004. Claims 1-25 are pending.

Claim Rejections - 35 USC § 103

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,684,822 to Odin in view of U.S. Patent 6,631,877 B1 to Crain et al. Odin discloses a mounting bracket with a plurality (three) of permanently bendable cylindrical support rods (4 and 6) made of a continuous solid material, with first (6) and second (4) end portions. There is a means (5) for securing one or more of the second end portions of the plurality of support rods relative to an external surface in a fixed tripodal arrangement and a means (1) for fixing an external device to the clamping means. There is a means for resisting relative slipping of one or more of the second end portions of the plurality of support rods relative to an external surface (the material the legs are manufactured from). There is also a flexible sheath (16) substantially covering each of the plurality of permanently bendable support rods and the rods are formed of a steel material. Odin does not specifically disclose support rods formed of aluminum or the specific diameter of the rods. However, the specific diameter (size) is a matter of design preference and it would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized a known metal such as aluminum as a matter of design preference.

Odin does not disclose a means for clamping the first end portions of the support rods in a fixed arrangement. Crain et al. discloses a mounting bracket with a plurality of support rods (28) and a means (64 and 70) for clamping the first end portions of the support rods in a fixed arrangement. The rods are clamped between an external collar (64) and an internal wedge (70), with a lengthwise portion of each first end portion clamped in a lengthwise cylindrical cavity (or relief groove, 72) formed between the external collar and internal wedge. The clamp taught by Crain et al. is designed for two rods, but it would be obvious to modify the collar and wedge to support three rods. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a clamping arrangement such as the one taught by Crain et al., at the top of the mounting bracket taught by Odin, for the purpose of providing a secure means for securing the rods to a mounting arrangement.

Claims 16 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odin in view of Crain et al., and in further view of U.S. Patent 6,685,385 B1 to Ledingham. Odin in view of Crain et al. does not disclose grooves formed in the internal surface of the collar to complement the grooves formed in the external surface of the wedge. Ledingham discloses providing complementary grooves on opposing sides for clamping a cylindrical rod between two surfaces. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a complementary groove in the internal surface of the external collar, for the purpose of securely clamping a cylindrical rod between the collar and an internal wedge with an external groove.

Response to Arguments

Applicant's arguments filed December 1, 2005 have been fully considered but they are not persuasive. Applicant argues that the legs taught by Odin are not made of a continuous, solid material. However, each of the materials that make up the leg taught by Odin is "continuously solid". Applicant argues that the leg members of Crain cannot be substituted for the leg members of Odin, but the rejection does not attempt to make that substitution. Rather the clamping mechanism of Crain has been substituted for the clamping mechanism of Odin. Also, Applicant also argues that steel is not "bendable" by nature, but the Examiner disagrees because the helical spring that is made of spring steel stock has already been permanently bent, and substituting aluminum for steel is a matter of engineering preference. Finally, Applicant argues that the choice of diameter is not a matter of design preference. However, although Odin does not specifically disclose a specific diameter for the rods, one of ordinary skill in the art at the time of the present invention would know to vary the diameter of the rods for various purposes such as reducing weight, providing more leg contact area for the supporting surface to stabilize the arrangement, etc.


Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

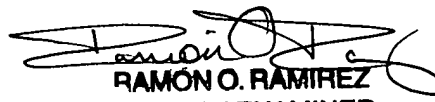
Art Unit: 3632

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Steven M. Marsh

February 18, 2006


RAMON O. RAMIREZ
PRIMARY EXAMINER